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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,232	12/31/2001	William G. Reeves	11710-0320 (44043-263105)	7301
23556	7590	12/15/2004	EXAMINER	
KIMBERLY-CLARK WORLDWIDE, INC. 401 NORTH LAKE STREET NEENAH, WI 54956			SALVATORE, LYNDIA	
			ART UNIT	PAPER NUMBER
			1771	

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/039,232

Applicant(s)

REEVES ET AL.

Examiner

Lynda M Salvatore

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 and 29-45 is/are rejected.
- 7) ☐ Claim(s) 28 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/20/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment and accompanying remarks filed 09/20/2004 have been fully considered and entered. Claim 1 has been amended and claim 15 has been canceled as requested. Applicant's amendment to claim 1 is found sufficient to overcome the 35 U.S.C. 112, second paragraph rejections set forth in section 2 of the last Office Action. As such, these rejections are hereby withdrawn. However, Applicant's amendment to claim 1 is not found patently distinguishable over the prior art made of record and Applicant's arguments are not found persuasive of patentability for reasons set forth herein below.

### ***Claim Rejections - 35 USC § 103***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1-14, 16-22, 31-36, 40-42 and 25-45 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Dinh-Sybeldon et al., US 6,051,335 in view of Chen, US 4,999,149.

Applicant amended claim 1 to clarify that a substrate is coated with a regenerated carbohydrate comprising a carbohydrate-salt mixture. Applicant further incorporated the limitation of original claim 15 into claim 1, which recited rinsing the coating with water. Claim 15 is canceled. Applicant argues that the combination of references fails to teach using a water rinse to regenerate a cellulose coating and further submits that the cellulose level taught by Dinh-Sybeldon et al., US 6,051,335 is much higher than the claimed cellulose level. Applicant also argues that the process of forming a cellulose coating

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taught by Chen, US 4,999,149 teaches a coagulation process using solvent spinning into a organic solvent coagulating bath and only washes the washes the remaining solvent off with water after coagulation. Thus, Applicant asserts that the combination of prior art relied upon does not render the instantly claimed invention obvious. These arguments are not found persuasive. With respect to Applicant's arguments pertaining to the primary reference of Dinh-Sybeldon et al., US 6,051,335, said reference was relied upon to evidence coating cellulose onto non-woven substrates is known in the art. Dinh-Sybeldon et al., US 6,051,335 was not relied upon as a teaching to employing the claimed cellulose levels of .5-1.5%. Dinh-Sybeldon et al., US 6,051,335 teaches that said coating may be applied by a variety of methods and further incorporates Chen, US 4,999,149 to teach a method which does employ the claimed method steps of dissolving the cellulose in an aqueous solution of zinc chloride, exposing/rinsing the mixture with a solvent and then with water to remove the cellulose from solution. Chen, US 4,999,149 teaches a mixture comprising 5-45% of cellulose, which meets the claimed cellulose levels recited in claims 5 and 6. It is also respectfully pointed out that Applicant only claims said cellulose levels of .5-1.5% in dependent claims 31 and 34. Thus absent unexpected results of employing from .5-1.5% cellulose, the Examiner maintains that it would have been obvious to one having ordinary skill in the art at the time the invention was made to vary the amount of cellulose used in the coating solution as a function of wettability.

With regard to Applicant's argument that Chen, US 4,999,149 teaches a coagulation process involving exposing/rinsing the cellulose with solvent, it is the position of the Examiner that Applicant's open claim language of comprising recited in claim 1 does not preclude a solvent step. Further, since the final step of Chen, US

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4,999,149 does include the claimed water rinsing step, the Examiner fails to see a difference between the claimed cellulose coating and the cellulose coating formed by the process of Chen, US 4,999,149. Therefore, the Examiner maintains that the combination of prior art does render the instantly claimed invention obvious.

4. Claims 23-24 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Dinh-Sybeldon et al., and Chen as applied to claim 22 above, and further in view of Bridgeford.

The above rejection is maintained and Applicant has not presented any new arguments for which to consider.

5. Claims 25,26,27,29, 30,37,38,39, and 43-45 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Dinh-Sybeldon et al., and Chen as applied to claims 1, 24,36 and 41 above, and further in view of Pazdernik, US 4,753,649.

The above rejection is maintained and Applicant has not presented any new arguments for which to consider.

#### ***Allowable Subject Matter***

6. As previously set forth in section 7 of the last Office Action, claim 28 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims. Specifically, none of the prior art cited or reviewed by the examiner teaches or fairly suggests performing the claimed coating process using chitin as the carbohydrate. An updated search did not produce any new substantial art for which to base a rejection and presently no motivation exists to combine references to form an obviousness rejection.

***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda M Salvatore whose telephone number is 571-272-1482. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 571-272-1482. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

December 13, 2004

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